

## AMENDMENT TRANSMITTAL LETTER

Docket No.  
01946/100D864-US1Application No.  
09/762,067Filing Date  
August 3, 2001Examiner  
Maury A. AudetArt Unit  
1654

Applicant(s): Gschneidner et al.

Invention: COMPOUNDS AND COMPOSITIONS FOR DELIVERING ACTIVE AGENTS

## TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

## CLAIMS AS AMENDED

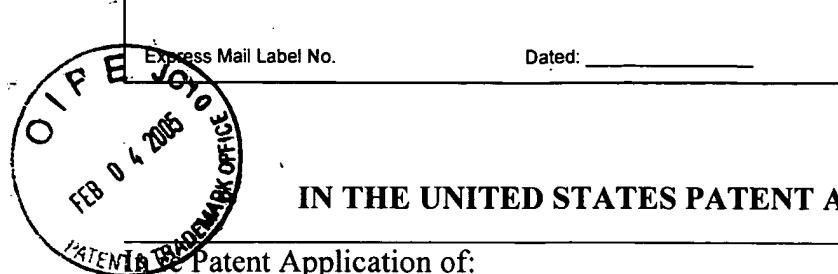
|   | Claims Remaining After Amendment | Highest Number Previously Paid | Number Extra Claims Present | Rate |  |
|---|----------------------------------|--------------------------------|-----------------------------|------|--|
| Total Claims                                    | 85                               | - 85 =                         |                             | x    |  |
| Independent Claims                              | 1                                | - 3 =                          |                             | x    |  |
| Multiple Dependent Claims (check if applicable) |                                  |                                |                             |      |  |
| Other fee (please specify):                     |                                  |                                |                             |      |  |
| <b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:</b> |                                  |                                |                             |      |  |

 Large Entity Small Entity No additional fee is required for this amendment. Please charge Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_. A check in the amount of \$ \_\_\_\_\_ to cover the filing fee is enclosed. Payment by credit card. Form PTO-2038 is attached. The Director is hereby authorized to charge and credit Deposit Account No. 04-0100 as described below. A duplicate copy of this sheet is enclosed. Credit any overpayment. Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.Dated: October 14, 2004Jason G. Chumney  
Attorney Reg. No.: 34,781DARBY & DARBY P.C.  
P.O. Box 5257  
New York, New York 10150-5257  
(212) 527-7783

Express Mail Label No. \_\_\_\_\_ Dated: \_\_\_\_\_

02-07-05

1654  
JFC



Docket No.: 01946/100D864-US1  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent Application of:  
David Gschneidner et al.

Application No.: 09/762,067

Group Art Unit: 1654

Filed: Aug. 3, 2001

Examiner: M. A. Audet

For: **COMPOUNDS AND COMPOSITIONS FOR  
DELIVERING ACTIVE AGENTS**

**TRANSMITTAL LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Enclosed are the following items for filing in connection with the above-referenced Patent Application:

1. Request for Withdrawal of Holding of Abandonment; Exhibits A-D; a Certificate of Express Mailing; and a Return Postcard.

The Commissioner is authorized to charge any deficiency of up to \$300.00 or credit any excess in this fee to Deposit Account No. 04-0100.

Dated: February 4, 2005

Respectfully submitted,  
By Jason C. Chumney  
Jason C. Chumney  
Registration No. 34,781  
DARBY & DARBY P.C.  
P.O. Box 5257  
New York, New York 10150-5257  
(212) 527-7700  
Attorneys/Agents For Applicant

**Customer Copy**  
Label 1-F June 2002



EL 996119600 US

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| PO ZIP Code<br><i>100-2</i>   | Day of Delivery<br><input checked="" type="checkbox"/> Next<br><input type="checkbox"/> Second | Flat Rate Envelope<br><input type="checkbox"/> | Delivery Attempt<br>Mo. Day                                     | Time<br><input type="checkbox"/> AM <input type="checkbox"/> PM | Employee Signature |
| Date In<br>Mo. 10 Day 14 Year<br><i>10/14/01</i>                                  | Postage<br><i>\$ 3.65</i>  | Delivery Attempt<br>Mo. Day                    | Time<br><input type="checkbox"/> AM <input type="checkbox"/> PM | Employee Signature  |                    |
| Time In<br>Mo. 10 Day 14 Year<br><i>10/14/01</i>                                  | 3 PM   | Delivery Date<br>Mo. Day                       | Time<br><input type="checkbox"/> AM <input type="checkbox"/> PM | Employee Signature  |                    |
| Time Out<br>Mo. 10 Day 14 Year<br><i>10/14/01</i>                                 | 12 Noon  | Return Receipt Fee<br><input type="checkbox"/> | Time<br><input type="checkbox"/> AM <input type="checkbox"/> PM | Employee Signature  |                    |
| Priority<br><input type="checkbox"/>  | 1st Day<br><input type="checkbox"/>  | 2nd Day<br><input type="checkbox"/>            | 3rd Day<br><input type="checkbox"/>                             |   |                    |
| Weight<br><i>1.00 lbs</i>   | Alpha Country Code<br><i>US</i>  | COD Fee<br><input type="checkbox"/>            | Insurance Fee<br><input type="checkbox"/>                       |   |                    |
| Ins.<br><input type="checkbox"/>  | Acceptance Ctr. Initials<br><i>3.65</i>  | Total Postage & Fees<br><i>\$ 3.65</i>         |   |   |                    |
| No Delivery<br><input type="checkbox"/>   | Delivery Address<br><i>803 3rd Ave Fl 27</i>   |  |   |   |                    |
| Weekend<br><input type="checkbox"/>   |  |  |   |   |                    |
| <b>CUSTOMER USE ONLY</b>  |  |  |   |   |                    |
| METHOD OF PAYMENT<br>Express Mail Corporate Acct. No.<br><i>01946/1000864-851</i> |  |  |   |   |                    |



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Your item was delivered on October 15, 2004 at 11:23am in ALEXANDRIA, VA 22313. The item was signed for by M BOSTON. Additional information for this item is stored in files offline.

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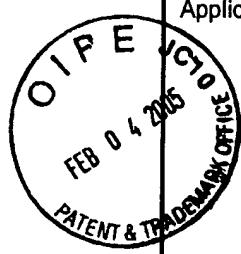


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Application No. (if known): 09/762,067

Attorney Docket No.: 01946/100D864-US1



## Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. **EL 996119600 US** in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on October 14, 2004  
Date

  
Signature

Pat Campbell  
Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Amendment in Response to Non-Final Office Action (14 pages);  
Amendment Transmittal Letter (1 page); and  
Postcard.



Application No. (if known): 09/762,067

Attorney Docket No.: 01946/100D864-US1

## **Certificate of Express Mailing Under 37 CFR 1.10**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. [REDACTED] in an envelope addressed to:

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on February 4, 2005  
Date

 G. Karanji  
Signature

Typed or printed name of person signing Certificate

**Registration Number, if applicable**

**Telephone Number**

**Note:** Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

## Request for Withdrawal Holding of Abandonment (3 pages);

**Transmittal Letter (1 page);**

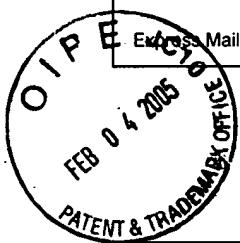
**Exhibit A – (1 page)**

**Exhibit B – (16 pages)**

**Exhibit C – (1 page)**

**Exhibit D – (1 page)**

## Return Receipt Postcard



Express Mail Label No. \_\_\_\_\_

Dated: \_\_\_\_\_

Docket No.: 01946/100D864-US1  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
David Gschneidner et al.

Application No.: 09/762,067

Confirmation No.: 7883

Filed: August 3, 2001

Art Unit: 1654

For: **COMPOUNDS AND COMPOSITIONS FOR  
DELIVERING ACTIVE AGENTS**

Examiner: M. A. Audet

**REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT**

MAIL STOP PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants in the above-identified patent application have been advised that the application is technically abandoned due to applicants' alleged failure to timely respond to an Office Action mailed July 14, 2004. The last day to timely file a Response to this Office Action was January 14, 2005 (with a three-month extension of time).

The Patent Office is respectfully advised that on October 14, 2004, Applicants submitted pursuant to 37 C.F.R. § 1.10, *inter alia*, an Amendment in Response to a Non-Final Office Action. In support thereof Applicants enclose the following:

(a) A copy of the originally-deposited postcard listing, *inter alia*: "Amendment in Response to Non-Final Office Action", showing the number of the "Express Mail" mailing label thereon (EL 996119600 US) (Exhibit A);

(b) A copy of the Amendment In Response to Non-Final Office Action and a Certificate of Express Mailing under 37 C.F.R. § 1.110, as timely filed on October 14, 2004 (Exhibit B);

(c) A copy of the "Express Mail" mailing label showing the "date-in," on the "Express Mail" mailing label (October 14, 2004) entered by the U.S. Postal Service. (Exhibit C);

(d) A "Track & Confirm" Report from the U.S. Postal Service, indicating that Express Mail Package EL 996119600 US was delivered to Patent Office, Alexandria, VA 22313, and signed for by M. Boston (Exhibit D);

Applicants note that a return post-card has not been received by Applicant's counsel. The copies of the correspondence (Exhibits A and B), the "Express Mail" mailing label (Exhibit C), and the official notation entered by the USPS (Exhibit C) are true copies of the originally mailed correspondence, original "Express Mail" mailing label, and official notation entered by the USPS.

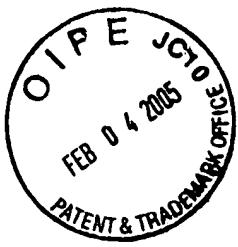
No fee is believed due. If any additional fees are due, the Commissioner is hereby authorized to charge them to deposit account No. 04-0100.

For these reasons, applicants respectfully request that prosecution promptly resume based on the timely-filed Amendment filed October 14, 2004.

Dated: February 4, 2005

Respectfully submitted,

By John C. Chumney  
Jason C. Chumney  
Registration No.: 54,781  
DARBY & DARBY P.C.  
P.O. Box 5257  
New York, New York 10150-5257  
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Attorneys/Agents For Applicant



Atty Docket No.: 01946/100D864-US1

Inventor: Gschneidner et al.

Appn: 09/762,067 Filed: August 3, 2001

Title: COMPOUNDS AND COMPOSITIONS FOR  
DELIVERING ACTIVE AGENTS

**Documents:**

Amendment in Response to Non-Final Office Action (14 pages);  
Amendment Transmittal Letter (1 page); and  
Certificate of Express Mailing (1 page);

Via: Express Mail: Airbill No. **EL996119600US**

Sender Initials: JCC/sjw Date: October 14, 2004